

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**LATTIME CONSTRUCTION AND  
HOME BUILDING, INC.,**

**PLAINTIFF,**

**VS.**

**CENTURYTEL SERVICES GROUP,  
L.L.C., AND THE BERRY COMPANY,**

**DEFENDANTS.**

**CASE NO.: 1:05-CV-1062-F**

**MOTION TO COMPEL**

Comes now the Plaintiff in the above-styled cause and moves the Court to compel the Defendants to produce the documents requested in the Plaintiff's Request for Production of Documents to Defendants, a copy of which is attached herewith as Exhibit "A"; and assign as grounds for said motion the following:

1. For that at the deposition of John Huber taken by Plaintiff's attorney on September 11, 2006, there was a discussion between the attorneys regarding production of the contract between the Defendants, The Berry Company and Centurytel Services Group, L.L.C. for the production of the September, 2003 Centurytel telephone directory for Dothan, Alabama. No contract was produced as a result of this discussion.

2. Then on October 11, 2006, Plaintiff's attorney wrote Defendants attorney requesting a copy of the contract between the Defendants for the production of this directory, a copy of which is attached herewith as Exhibit "B". No contract was furnished as a result of this letter.

3. Then on November 21, 2006, Plaintiff submitted its formal Request for Production of Documents to Defendants attorney for response.

4. Then on December 20, 2006, Plaintiff's attorney submitted to Defendant's attorney a request for a reply to his letter of October 11, 2006 and his request of November 21, 2006, a copy of which is attached herewith as Exhibit "C".

5. Then on December 21, 2006, Defendants attorney filed with Plaintiffs attorney Defendant's Response to Plaintiff's Request for Production and accompanying letter, attached herewith as Exhibit "D" and "E", respectfully.

Plaintiff submits to the Court that the contract requested in this case is relevant and will lead to the discovery of admissible evidence. It will identify who is:

1. Responsible for the preparation of printing, distribution,

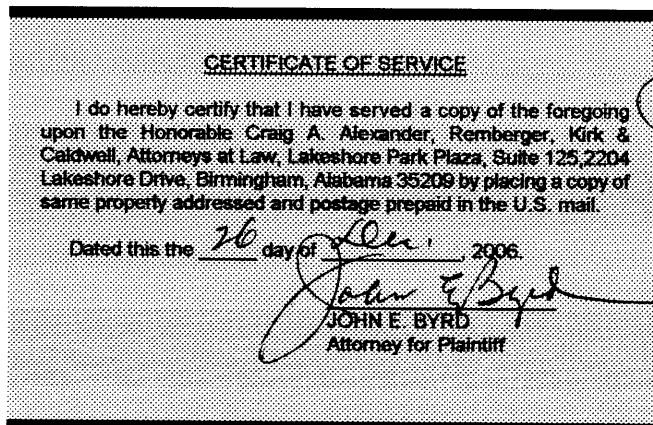
selling, etc of the September, 2003, Centurytel directory for Dothan, Alabama, etc.

2. Responsible for legal claims caused by deficiencies in said directory as are claimed in this case. Nothing but this contract will clear up this point.

3. Defendant's letter seems to indicated the Berry Company should shoulder the entire claim. This seems inconsistent as Centurytel did the billing for enforcement of this agreement with Plaintiff and continues to hold Plaintiff responsible for payment.

WHEREFORE, Plaintiff prays that the Court consider this contract a necessity for a just and proper adjudication of this case and enter an order requiring the Defendants to produce said contract so that Plaintiff can properly prepare its case for trial.

Respectfully submitted this the 26 day of Dec,  
2006.



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